

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF OKLAHOMA

(1) ASHLEY NICOLE SCHNEIDER,)
Individually, as Representative of the)
Estate of JUSTING JAMES SCHNEIDER,)
Deceased, and as Next Friend of R.L.M.S.,)
E.N.D.S., and C.J.R.S., All Minor Children)
)
Plaintiff,)
)
v.) Case No. CIV-22-10-PRW
)
(1) CUSTOM TRUCK ONE SOURCE,)
LP;)
(2) CUSTOM TRUCK & EQUIPMENT,)
LLC d/b/a CUSTOM TRUCK ONE)
SOURCE f/k/a UTILITY ONE SOURCE,)
)
Defendants.

NOTICE OF REMOVAL

1. Custom Truck One Source, LP and Custom Truck & Equipment, LLC are the Defendants named in a civil action recently brought against them in the District Court of Oklahoma County, Oklahoma, State of Oklahoma, styled *Ashley Nicole Schneider, Individually, As Representative Of The Estate Of Justin James Schneider, Deceased, And As Next Friend Of R.L.M.S., E.N.D.S., And C.J.R.S., All Minor Children v. Custom Truck One Source, LP; Custom Truck & Equipment, LLC d/b/a Custom Truck One Source f/k/a Utility One Source*, Case No. CJ-2021-4876. Exhibit 1.

2. At the time of filing the state court action, Plaintiff was and still is a resident and citizen of the State of Oklahoma.

3. Defendant Custom Truck One Source, LP was and still is a corporate partnership duly organized under the laws of the State of Delaware, with its principal place of business in Missouri. *See* Petition at Paragraph 3. Defendant Custom Truck & Equipment, LLC was and still is a limited liability company duly organized under the laws of the State of Missouri, with its principal place of business in the State of Missouri. *Id.* Thus, Plaintiff and Defendants are completely diverse.

4. Though not stated in the Petition, upon information and belief, Plaintiff is seeking damages in an amount greater than \$75,000.

5. This is the kind of action of which United States District Courts have original jurisdiction because of diversity of citizenship. Therefore, pursuant to 28 U.S.C. § 1441, *et seq.*, Defendants hereby remove this action to the United States District Court for the Western District of Oklahoma.

6. The underlying state court action was commenced on November 12, 2021. Exhibit 1. Defendants were served with summons and the Petition on December 8, 2021. Exhibit 2. This notice of removal is therefore timely filed within thirty (30) days after receipt by Defendants, “through service or otherwise...”, of the Plaintiffs’ state court Petition. 28 U.S.C. § 1446(b).

7. Copies of all process, pleadings, and orders filed, served upon or “otherwise” received by Defendants in the state court action have been attached hereto as Exhibits 1 and 2. A copy of the state court docket sheet dated December 22, 2021 is attached as Exhibit 3.

8. Written notice of the filing of this Notice of Removal will be given promptly to Plaintiffs' counsel, and Notice of the filing of this Notice of Removal will be filed with the Clerk of the District Court of Oklahoma County, State of Oklahoma, as provided by 28 U.S.C. § 1446(d).

WHEREFORE Defendants Custom Truck One Source, LP and Custom Truck & Equipment, LLC remove this action to this Court, invoking this Court's jurisdiction.

Dated: January 3, 2022.

Respectfully submitted,

/s/ Robert L. Betts

Gerald P. Green, OBA No. 3563
Robert L. Betts, OBA No. 21601
PIERCE COUCH HENDRICKSON
BAYSINGER & GREEN, L.L.P.
Post Office Box 26350
Oklahoma City, Oklahoma 73126
Telephone (405) 235-1611
Facsimile (405) 235-2904
jgreen@piercecouch.com
rbetts@piercecouch.com

*Attorneys for Defendants Custom Truck
One Source, LP and Custom Truck &
Equipment, LLC*

CERTIFICATE OF SERVICE

I hereby certify that on January 03, 2022, I electronically transmitted a full, true and correct copy of the above and foregoing document to the Clerk of Court using the ECF System for filing and transmittal of Notice of Electronic Filing to the following ECF registrants:

Jim Buxton
BUXTON LAW GROUP
1923 N. Classen Blvd.
Oklahoma City, OK 73106
jim@buxtonlawgroup.com

Attorney for Plaintiff

/s/ Robert L. Betts

Robert L. Betts